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Via ECF and Facsimile 718-613-2185

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Theodore N. Persico, Jr.
11 Cr. 30 (KAM)

Dear Judge Matsumoto:

With the consent of the Government, I write in advance of tomorrow's status conference to request that Mr. Persico's appearance be waived.

Mr. Persico is scheduled to begin jury selection before the Honorable Sandra L. Townes on May 30, 2012. In preparation for trial, Mr. Persico is reviewing thousands of pages of 3500 material. However, as all of the 3500 material is under protective order, he is unable to review it without the assistance of his legal team. Therefore, if he is produced to Court tomorrow he will lose an entire day of trial preparation as he will be unable to review the material in the Courthouse.

Given the voluminous nature of the 3500 material, the pending trial date and the restrictive nature of trial preparations, Mr. Persico respectfully requests that his appearance be waived from tomorrow's proceeding so he can continue to prepare for trial. I thank Your Honor for her consideration in this matter.

Respectfully submitted,

Elizabeth E. Macedonio

Elizabeth E. Macedonio
Counsel to Theodore N. Persico, Jr.